

Message Text

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72

ACTION EUR-25

INFO OCT-01 ISO-00 DLOS-07 AF-10 ARA-16 EA-11 NEA-14

RSC-01 IO-14 OIC-04 COA-02 EB-11 FEA-02 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 SWF-02 AGR-20

ACDA-19 AEC-11 CG-00 FMC-04 EPA-04 SCI-06 CEQ-02

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 PRS-01 SP-03 SS-20 USIA-15 DRC-01 /273 W

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R 131738Z MAY 74

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 6859

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY HAGUE

USMISSION NATO

USMISSION OECD PARIS

LIMITED OFFICIAL USE EC BRUSSELS 3015

E.O. 11652: N/A

TAGS: PBOR, EEC

SUBJECT: LAW OF THE SEA: EC PREPARATIONS FOR THE CARACAS
CONFERENCE

REF: EC BRUSSELS 1847

1. SUMMARY: THE EC COMMISSION'S PROPOSALS REGARDING THE
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CARACAS LOS CONFERENCE HAVE BEEN REFERRED BY THE COUNCIL TO AN AD HOC GROUP. THIS GROUP IS AT PRESENT CONSIDERING

POSSIBLE COMMON EC POSITIONS ON SOME LOS SUBJECTS AND THE CONCENTRATION OF POSITIONS BY EC MEMBER STATES ON OTHERS. IN ADDITION TO MEMBER STATE DELEGATIONS AT CARACAS, THERE WILL BE A COMMUNITY DELEGATION COMPOSED OF OFFICIALS FROM THE COUNCIL SECRETARIAT AND THE COMMISSION. END SUMMARY.

2. DANIEL VIGNES, A LEGAL ADVISER IN THE LEGAL SERVICE OF THE EC COUNCIL SECRETARIAT, HAS GIVEN US A DESCRIPTION OF WHERE MATTERS STAND IN THE COMMUNITY'S PREPARATIONS FOR THE LOS CONFERENCE AT CARACAS. THE COMMISSION HAD FORWARDED A PAPER TO THE EC COUNCIL OF MINISTERS IN MARCH REGARDING THE POSITION THE EC SHOULD TAKE AT THE CARACAS CONFERENCE ON THE LAW OF THE SEA (REFTEL). THE COUNCIL HAS REFERRED THE PAPER TO A GROUP COMPOSED OF THE OFFICIALS WHO WILL HEAD THE MEMBER STATE DELEGATIONS TO THE LOS CONFERENCE. (THEY ARE MOSTLY LEGAL ADVISERS, MARITIME LAW EXPERTS, ETC., ACCORDING TO VIGNES.) FOR EXAMPLE, THE GROUP INCLUDES AMBASSADOR JACKLIN OF THE UK, AMBASSADOR KNOCKE OF THE FRG, AND MR. RIPHAGEN OF THE NETHERLANDS.) THE COMMISSION'S PAPER HAS ALSO BEEN CONSIDERED BY A SUBORDINATE GROUP OF EXPERTS FROM CAPITALS. THE EXPERTS WILL CONSIDER THE SUBJECT AGAIN THIS WEEK AND THE GROUP OF HEADS OF DELEGATIONS IS SCHEDULED TO CONSIDER THE MATTER ON MAY 29-31.

3. IN THEIR DISCUSSIONS, THE HEADS OF DELEGATIONS HAVE DIVIDED LOS ISSUES INTO THREE CATEGORIES/ FIRST, THOSE SUBJECTS WHICH FALL COMPLETELY WITHIN THE COMPETENCE OF THE EC, SUCH AS FISHERIES AND POLLUTION; SECOND, SUBJECTS WHICH FALL BOTH WITHIN THE COMPETENCE OF THE COMMUNITY AND OF THE MEMBER STATES, SUCH AS CONTINENTAL SHELF AND SEABED ISSUES; AND THIRD, MATTERS WHICH ARE COMPLETELY UNDER THE COMPETENCE OF THE MEMBER STATES AND IN WHICH THE COMMUNITY HAS NO JURISDICTION OR INVOLVEMENT, SUCH AS MILITARY QUESTIONS.

4. WITH RESPECT TO ISSUES IN THE FIRST CATEGORY, AN EFFORT LIMITED OFFICIAL USE

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WILL BE MADE TO REACH A COMMON EC POSITION AND, WHERE APPROPRIATE, AGREEMENT ON A COMMON TEXT TO BE USED IN ANY STATEMENT ON BEHALF OF THE COMMUNITY. THE HEAD OF THE DELEGATION FROM THE MEMBER STATE WHICH AT THE TIME HOLDS THE COUNCIL PRESIDENCY -- GERMANY UNTIL JULY 1 AND THEN FRANCE FOR THE NEXT SIX MONTHS THEREAFTER -- WILL PRESENT THE COMMUNITY POSITIONS. ON THE SECOND CATEGORY OF QUESTIONS, AN EFFORT WILL BE MADE TO REACH A COORDINATED

COMMUNITY POSITION. THE HEAD OF THE GERMAN (OR FRENCH) DELEGATION WILL AGAIN BE THE COMMUNITY SPOKESMAN ON THOSE ISSUES WHERE AGREEMENT HAS BEEN REACHED ON A COMMON POSITION (IN THE WAY THAT THE GERMANS SPOKE FOR THE NINE IN THE RECENT SPECIAL SESSION OF THE UNGA).

5. OF THE VARIOUS ISSUES, FISHERIES IS THE ONE TO WHICH THE GROUP HAS DEVOTED THE MOST ATTENTION THUS FAR BECAUSE IT IS OF GREATEST INTEREST TO THE MEMBER STATES. AGREEMENT ON THE FINAL WORKING OF THE COMMUNITY POSITION HAS NOT YET BEEN REACHED, BUT THERE IS GENERAL AGREEMENT ON THE FOLLOWING PRINCIPLE: COASTAL STATES CAN RESERVE TO THEMSELVES FISHING RIGHTS INSIDE CERTAIN LIMITS, ALTHOUGH IT IS RECOGNIZED THAT OTHER STATES ALSO HAVE RIGHTS WITHIN THOSE LIMITS. THOSE OTHER STATES INCLUDE THE CUSTOMARY "TRADITIONAL" FISHING NATIONS, LDCS, AND NON-LITTORAL STATES. THE DISCUSSION OF THE HEADS OF DELEGATIONS WILL BE DEVOTED TO THIS SUBJECT AT THEIR MEETING ON MAY 30; MAY 29 WILL BE DEVOTED TO POLLUTION AND MAY 31 TO OTHER SUBJECTS. ACCORDING TO VIGNES, THE CONCLUSIONS OF THESE DISCUSSIONS WILL NOT BE REFERRED BACK TO THE COUNCIL FOR FINAL APPROVAL BUT WILL BE CONSIDERED NONETHELESS AS THE COMMUNITY'S GUIDANCE FOR THE CARACAS CONFERENCE.

6. THE COMMUNITY REPRESENTATION AT CARACAS WILL BE COMPOSED OF A SMALL GROUP FROM THE COUNCIL SECRETARIAT AND A SOMEWHAT LARGER GROUP FROM THE COMMISSION. THE COUNCIL SECRETARIAT GROUP WILL BE LED BY VIGNES, WHO WILL ARRIVE IN CARACAS ABOUT JULY 1. THE COMMISSION OFFICIALS WILL INCLUDE PARTICIPANTS FROM THE LEGAL SERVICE (PROBABLE HARDY OR GROUX), FROM THE DIRECTORATE RESPONSIBLE FOR FISHERIES OF THE DIRECTORATE GENERAL FOR AGRICULTURE (VAN LIERDE), FROM THE DIRECTORATE RESPONSIBLE FOR COMMERCIAL AGRICULTURAL QUESTIONS OF THE LIMITED OFFICIAL USE

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DIRECTORATE GENERAL FOR EXTERNAL RELATIONS (SIMONNET), AND FROM THE COMMISSION SECRETARIAT (MEYER OR ETIENNE).

7. THE MEMBER STATE DELEGATIONS WILL VARY IN SIZE; AT THE PRESENT TIME IT IS EXPECTED THERE WILL BE THREE BELGIAN REPRESENTATIVES AND SEVENTEEN FROM FRANCE, FOR EXAMPLE. LUXEMBOURG WILL NOT ATTEND BUT WILL BE REPRESENTED BY ONE OF THE BELGIAN OFFICIALS. (THIS IS NOT WITHOUT SOME SIGNIFICANCE, ACCORDING TO VIGNES, INASMUCH AS LUXEMBOURG, THE ONLY LANDLOCKED MEMBER OF THE COMMUNITY, WILL BE ENTITLED TO ATTEND ANY CAUCUS OF LANDLOCKED STATES AND THE BELGIAN REPRESENTATIVE WILL THUS BE ABLE TO REPORT BACK TO HIS COMMUNITY COLLEAGUES ON THE DISCUSSIONS AT SUCH MEETINGS.) VIGNES ANTICIPATES THAT AT CARACAS THE COMMUNITY AND, PARTICULARLY, THE MEMBER STATE DELEGATIONS

WILL HAVE A GREAT DEAL OF FLEXIBILITY AND AUTHORITY BE-
CAUSE THE EXPERTS FROM THE CAPITALS WILL BE PRESENT WITH
NATIONAL MANDATES AND INSTRUCTIONS AND WILL BE ABLE TO
MAKE ON-THE-SPOT DECISIONS, FOLLOWING CONSULTATIONS WITH
ONE ANOTHER. GREENWALD

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